

REMARKS

This Response is submitted in response to the Office Action mailed on January 25, 2006 which states that Applicants' response to the Office Action dated December 22, 2005 was incomplete insofar as it fails to elect an ultimate species of consumable product as well as a cooling agent and a heating agent.

Once again, Applicants respectfully submit that either the election is improper or the Patent Office appears to be confused. Specifically, the Patent Office states that Claims 11 and 21 are generic. In part, the Patent Office is requiring Applicants to elect an ultimate species of consumable product. The Patent Office states the consumable product is to be elected from chewing gum, dentifrice, confection, lozenge, mouthwash, mouth spray, and edible film. Claim 11 claims "a chewing gum product," Claim 21 claims "an edible film product" (emphasis added). How are these claims generic to a consumable product? Unfortunately, it appears that the Patent Office and Applicants are using two different definitions of "generic" or Applicants do not understand the Office Action. Thus, Applicants do not believe the Office Action is proper.

Regardless, in order to expedite prosecution of this patent application, Applicants are electing as the ultimate consumable product chewing gum. Applicants are canceling herewith Claims 2, 3, 12, 13, 17, 22, and 23. Thus, the requirement of electing a specific cooling agent and heating agent has been rendered moot. To the extent the Patent Office does not believe this renders this election of species moot, Applicants reserve the right to re-add these claims. However, Applicants also note that the sole reason these claims are being cancelled is to render moot the election of species requirement that is attempting to improperly limit the scope of Applicants' claimed invention.

Respectfully submitted,

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